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AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: FOSAMAX (ALENDRONATE SODIUM)
PRODUCTS LIABILITY LITIGATION (NO. II)

Berlin v. Merck Sharp & Dohme Corp et al.,)
D. District of Columbia, C.A. No. 1:11-01665)

MDL No. 2243

CONDITIONAL TRANSFER ORDER (CTO-17)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS

On May 23, 2011, the Panel transferred 10 civil action(s) to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* _F.Supp.2d_ (J.P.M.L. 2011). Since that time, 29 additional action(s) have been transferred to the District of New Jersey. With the consent of that court, all such actions have been assigned to the Honorable Garrett E Brown, Jr.

It appears that the action on this conditional transfer order encompasses claims relating to: (1) the prescription drug Fosamax (Alendronate Sodium), which involve questions of fact that are common to the previously transferred MDL No. 2243 actions; and (2) a prescription drug(s) other than Fosamax (Alendronate Sodium), which do not involve such common questions of fact.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of May 23, 2011, and, with the consent of that court, assigned to the Honorable Garrett E. Brown, Jr.

All claims in this action against defendants other than Merck & Co., Inc., and involving drugs other than Fosamax (Alendronate Sodium) are separated and remanded to the District of Columbia.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on this date.
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
By William T. Walsh
Deputy Clerk

FOR THE PANEL:

Jeffery N. Lüthi
Jeffery N. Lüthi
Clerk of the Panel